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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 TIFFANY BRINKLEY,
12 Plaintiff,
13 v.
14 MONTEREY FINANCIAL SERVICES,
15 LLC,
16 Defendant.

Case No.: 16-CV-1103-RSH-WVG

**ORDER PARTIALLY GRANTING
AND PARTIALLY DENYING
PLAINTIFF’S MOTION TO SEAL**

[ECF No. 188]

17 On April 7, 2022, Plaintiff filed a Motion To Seal Documents In Support Of
18 Plaintiff’s Motion For Class Certification (“Motion”). ECF No. 188. The Motion seeks to
19 seal Exhibits 1, 3, and 16 to the Declaration of Patrick N. Keegan in support of Plaintiff’s
20 motion for class certification.

21 There is a presumptive right of public access to court records based upon the
22 common law and the First Amendment. *See Nixon v. Warner Comm., Inc.*, 435 U.S. 589,
23 597 (1978); *Phillips ex rel. Estates of Byrd v. General Motors Corp.*, 307 F.3d 1206,
24 1212-13 (9th Cir. 2002). A party must demonstrate “good cause” when it seeks to file
25 documents under seal in connection with a nondispositive motion. *Pintos v. Pac.*
26 *Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010). “For good cause to exist, the party
27 seeking protection bears the burden of showing specific prejudice or harm will result if
28 no protective order is granted.” *Phillips*, 307 F.3d at 1210–11.

1 Good cause exists to seal Exhibits 1 and 3 to protect the privacy of the individuals
2 included in those documents. Exhibit 1 contains thousands of names, addresses, and
3 telephone numbers for private individuals who have no connection to this action. Exhibit
4 3 likewise contains telephone numbers for unrelated private persons, along with a
5 detailed log of private telephone calls from and to Plaintiff.

6 Plaintiff, however, has failed to demonstrate good cause to seal the entirety of
7 Exhibit 16, which contains Jeffrey A. Hansen’s expert report (“Hansen Report”).
8 Although Exhibit 16 may “describe[] in detail documents designated and marked
9 ‘Confidential’ and ‘Highly Confidential – Attorneys’ Eyes Only,’” ECF No. 188 at 2,
10 Plaintiff has made no effort to identify or redact the specific text in the report that reveals
11 the confidential information. Instead, the Motion seeks to seal the full report. That
12 request is overbroad, particularly where there are many paragraphs in the report that do
13 not cite or even mention any confidential documents. Plaintiff has failed to demonstrate
14 “*specific* prejudice or harm,” *Phillips*, 307 F.3d at 1210–11 (emphasis added), as to
15 Exhibit 16. If Plaintiff still seeks to submit any portion of Exhibit 16 under seal, she may
16 file an additional motion to seal within fourteen (14) days of the date of this Order, along
17 with a public (redacted) version of Exhibit 16, and re-file as a “sealed lodged proposed
18 document,” in accordance with Section 2(j) of the ECF Manual a non-public, unredacted
19 version that highlights the proposed redactions in yellow.

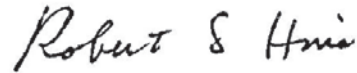
20 Finally, the Court notes that Defendant has filed a separate motion to seal its brief
21 in support of its motion to preclude portions of the Hansen Report. ECF No. 196. That
22 motion seeks to seal only those sections of Defendant’s brief that quote the Hansen
23 Report for the sole reason that Plaintiff has designated the Hansen Report as confidential
24 and moved to file it under seal. *Id.* at 2-3. The Court will hold Defendant’s motion to seal
25 in abeyance until the fourteen days for Plaintiff to file a renewed motion to seal has
26 elapsed. In the future, if any party seeks to seal a document solely because another party
27 has designated the document as confidential, the moving party shall meet and confer with
28

1 the designating party prior to filing the motion to seal to discuss what portions must be
2 redacted and whether a motion to seal is still necessary.

3 WHEREFORE, the Court **GRANTS** Plaintiff's Motion to seal Exhibits 1 and 3.
4 The Court **DENIES** Plaintiff's Motion to seal Exhibit 16.

5 **IT IS SO ORDERED.**

6 Dated: July 12, 2022



Hon. Robert S. Huie
United States District Judge